

Amendments to the Claims:

Please cancel claims 1 and 9 without prejudice or disclaimer, and amend existing claims and add new claims as set forth below:

The following listing of claims replaces and supersedes all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Cancelled)
2. (Currently Amended) Optical biopsy instrument (100) according to claim 4 13, characterized in that the at least one lateral opening (28) of the cannula (22) has at least in parts a cutting region (30) at its area being directed towards the distal end (26) and/or at its area being directed towards the proximal end (24).
3. (Original) Optical biopsy instrument (100) according to claim 2, characterized in that the cutting region (30) is formed by a ground edge of the circumference of the at least one lateral opening (28) or by a tothing of the circumference or by both measures concurrently.
4. (Currently Amended) Optical biopsy instrument (100) according to claim 4 13, characterized in that the at least one lateral opening (28) has a substantially round, oval, elliptic or rectangular configuration.

5. (Currently Amended) Optical biopsy instrument (100) according to claim 4 13, characterized in that the cannula (22) is closed at its distal end (26) by a transparent wall.
6. (Currently Amended) Optical biopsy instrument (100) according to claim 4 13, characterized in that an external diameter of the endoscope (10) substantially corresponds to an internal diameter of the cannula (22) or is slightly smaller than this the internal diameter.
7. (Currently Amended) Optical biopsy instrument (100) according to claim 4 13, characterized in that an external diameter of the cannula is 1.2 mm at most.
8. (Currently Amended) Optical biopsy instrument (100) according to claim 4 13, characterized in that the endoscope (10) is a rigid endoscope or a flexible glass-fibre endoscope.
9. (Cancelled)
10. (Currently Amended) Method for sampling a tissue sample ~~samples sample~~ in duct systems, ~~wherein~~ comprising steps of:
 - (a) introducing an optical biopsy instrument (100), under endoscopic

monitoring, into a duct up to a biopsy site, said optical biopsy instrument
comprising

- a substantially cylindrical cannula (22) with a proximal end (24) and a distal end (26), said cannula (22) having at least one lateral opening (28) in a side surface of said cannula, and
- an endoscope (10) which is axially movable inside the cannula (22),
wherein a clearance formed between the cannula (22) and the endoscope (10) is selected such that a separation of a tissue sample from a tissue is enabled by direct interaction of the endoscope (10) with the at least one lateral opening (28) by moving at least one of the cannula (22) and the endoscope (10) relative to each other;

~~is introduced, under endoscopic monitoring, into the duct up to a biopsy site,~~

- (b) bringing the tissue sample (34) ~~is brought~~ through the at least one lateral opening (28) into an interior of the cannula (22)[[.]] ; and
- (c) seperating the tissue sample (34) ~~is separated~~ from the rest of the tissue by moving forward the endoscope (10) across the lateral opening (28) and/or by retracting the endoscope (10), until the at least one lateral opening (28) is closed.

11. (Currently Amended) Method for sampling a tissue samples sample in duct systems, ~~wherein~~ comprising steps of:

- (a) introducing an optical biopsy instrument (100), under endoscopic monitoring, into a duct until the lateral opening (28) comes to lie over a biopsy site, said optical biopsy instrument comprising
- a substantially cylindrical cannula (22) with a proximal end (24) and a distal end (26), said cannula (22) having at least one lateral opening (28) in a side surface of said cannula, and
 - an endoscope (10) which is axially movable inside the cannula (22), wherein a clearance formed between the cannula (22) and the endoscope (10) is selected such that a separation of a tissue sample from a tissue is enabled by direct interaction of the endoscope (10) with the at least one lateral opening (28) caused by moving at least one of the cannula (22) and the endoscope (10) relative to each other;

~~is introduced, under endoscopic monitoring, into the duct, until the lateral opening (28) comes to lie over a biopsy site,~~

- (b) bringing the tissue sample (34) is brought through the at least one lateral opening (28) into an interior of the cannula (22) [,.] ; and

- (c) seperating the tissue sample (34) is separated from the rest of the tissue by moving the cannula (22) together with the fixed endoscope (10) forward

or backward, thereby manually exerting a gentle pressure against the tissue sample (34).

12. (Previously Presented) The optical biopsy instrument according to claim 1, wherein the at least one lateral opening includes cutting teeth.
13. (Currently Amended) An optical biopsy instrument (100), comprising:
 - (a) a substantially cylindrical cannula (22) with a proximal end (24) and a distal end (26), said cannula (22) having at least one lateral opening (28) in a side surface of the cannula (22), and
 - (b) an endoscope (10) which is axially movable inside the cannula (22), wherein a clearance formed between the cannula (22) and the endoscope (10) is selected such that a separation of a tissue sample from a tissue is enabled by direct interaction of the endoscope (10) with the at least one lateral opening (28) relatively by moving at least one of the cannula (22) and the endoscope (10) against relative to each other.
14. (New) The method according to claim 10 wherein said duct is a mammary gland milk duct.
15. (New) The method according to claim 11 wherein said duct is a mammary gland milk duct.